

UNITED STATES DISTRICT COURT

for the
District of Oregon

United States of America

v.

Case No. 3:19-mj-57

Vasiliy Barbiyeru Jr

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 7, 2017 in the county of Yamhill in the
District of Oregon, the defendant(s) violated:

Code Section

Offense Description

18 U.S.C. § 875(c)

Interstate Communications—Threats

This criminal complaint is based on these facts:

See attached Affidavit of Daniel L. McLaughlin, FBI Special Agent.

☒ Continued on the attached sheet.Attested to by telephone on 4/01/19 at 3:45 p.m.

Complainant's signature

Daniel L. McLaughlin, FBI Special Agent

Printed name and title

Sworn to before me and signed in my presence. Sworn via phone in accordance with requirements of Fed. R. Crim. P. 4.1 at 3:45 p.m.Date: 04/01/2019Stacie F. Beckerman
Judge's signatureCity and state: Portland, Oregon

Stacie F. Beckerman, U.S. Magistrate Judge

Printed name and title

DISTRICT OF OREGON, ss: AFFIDAVIT OF DANIEL L. MCLAUGHLIN (STATE OF OREGON)

Affidavit in Support of a Criminal Complaint and Arrest Warrant

I, Daniel L. McLaughlin, being duly sworn, do hereby depose and state as follows:

Introduction and Agent Background

1. I am a Special Agent with the Federal Bureau of Investigation and have been since 1999. My current assignment is the Portland Division – Surveillance Operations Group, but I am currently working out of the FBI Salem Resident Agency. I previously worked in the FBI Salem Resident Agency from 2006 to 2016. During my employment, I have investigated and have assisted others in investigating a range of federal crimes, including drug and gang-related offenses; interstate travel for the purpose of engaging in illicit sexual activity with minors; online enticement of minors; child pornography; public corruption; health care fraud; and violent crimes.

2. I submit this affidavit in support of a criminal complaint and arrest warrant for VASILY BARBIYERU JR., for Interstate Communications—Threats, in violation of in violation of 18 U.S.C. § 875(c). As set forth below, there is probable cause to believe, and I do believe, that BARBIYERU JR. committed Interstate Communications—Threats in violation of 18 U.S.C. § 875(c).

3. The facts set forth in this affidavit are based on the following: my own personal knowledge; knowledge obtained from other individuals during my participation in this investigation, including other law enforcement officers; interviews of witnesses; communications with others who have knowledge of the events and circumstances described herein; and information gained through my training and experience. Because this affidavit is submitted for

the limited purpose of establishing probable cause in support of an arrest warrant, it does not set forth each and every fact that I, or others, have learned during the course of this investigation.

Applicable Law

4. Title 18 U.S.C. § 875(c) provides that whoever transmits in interstate or foreign commerce any communication containing any threat to kidnap any person or any threat to injure the person of another, shall be fined under this title or imprisoned not more than five years, or both.

Statement of Probable Cause

5. On or about March 27, 2019, I was made aware of multiple alleged threats made by BARBIYERU JR., who resides in Newberg, Oregon. Throughout this investigative summary I will be referring to information made known to me by speaking with Officers within the Newberg-Dundee Police Department and the Lake Oswego Police Department. I will also be referring to information I learned from reading reports from the Federal Bureau of Investigations (FBI) as well as the above mentioned departments.

6. I learned that officers with the Newberg-Dundee Police Department arrested BARBIYERU JR. in June of 2018 after the President of Deep Springs College in California contacted the FBI regarding an online threat BARBIYERU JR. had made toward his school. I learned that BARBIYERU JR. posted to an online forum, threatening to conduct a school shooting at the college on October 5, 2017. On that same day, FBI Special Agents from the FBI Salem Resident Agency contacted BARBIYERU. During that interview, BARBIYERU JR. told the FBI Agents that “people make jokes” in regards to his threatening online forum post. When asked if he had serious thought about harming other people, BARBIYERU JR. stated that he wanted an

attorney.

7. I learned that, on October 7, 2017, just two days after speaking with FBI Special Agents, BARBIYERU JR. sent a personally addressed threatening email from email address theromanpatrician@gmail.com to multiple staff members of Deep Springs College. The email stated as follows:

“Your school is built on a lie. If you’re not going to kill yourselves I will just help do it for you. Call the cops, call the FBI. I’m ready to kill some college students. You think I’m concerned with my self-preservation? You seem to be forgetting the amount of fucks I have left to give. You guys are the cancer killing this planet. You’re only self-righteous assholes looking out for yourselves. Even if I don’t kill any one of you I will still bring your college the attention you apparently don’t want. Your college is built on secrecy which is the secret joke that I’m going to destroy. Your mission statement is utter bullshit. Read my essay that I sent to you under BARBIYERU JR. Barbiyeru’s application. That’s going to be the manifesto that news outlets will read while you’re grieving for your dead students. Get your anuses ready. Read it again and sleep tight. It’s going to happen.”

Defendant lived in Newberg, Yamhill County, Oregon when he sent the email.

8. On June 26, 2018, BARBIYERU JR. was charged with Disorderly Conduct in The Second Degree for that conduct in Yamhill County Circuit Court in Case Number 18CR42602. Those charges are still pending.

9. On January 2, 2019, BARBIYERU JR. made a \$100.00 online donation to Deep Springs College.

10. On March 1, 2019, officers from the Lake Oswego Police Department arrested BARBIYERU JR. after he telephoned the Lake Oswego High School and made threats of violence to a school employee over the telephone. I learned that the threats were of such a nature that the school was put into “lock-down.” I learned that BARBIYERU JR. made statements regarding

having guns, chemical weapons and weapons of mass destruction. I learned that BARBIYERU JR. made a comment to a certain staff member at Lake Oswego High School that he liked school and mass shootings and referenced specific active/mass shooting events. This phone call reportedly lasted for over two (2) hours. On March 8, 2019, BARBIYERU JR. was charged with Disorderly Conduct in The First Degree for that conduct in Clackamas County Circuit Court in Case Number 19CR16353. Those charges are still pending.

11. When Lake Oswego Officers arrested BARBIYERU JR. on March 1, 2019, BARBIYERU JR. was carrying a laptop computer and communicated with the Officers through his computer by pressing a button that caused an audible, "Lawyer" sound. I learned that Lake Oswego Officers seized BARBIYERU's cell phone at that time for forensic analysis at a later date.

12. I learned that BARBIYERU's cell phone was examined and the forensic results were revealed sometime later. I was told that BARBIYERU's cell phone service had been deactivated but he was able to reactivate/renew his cellular contract through Verizon. I learned that within the first eight (8) minutes of reactivating his cell phone on March 1, 2019, around the same time period that he called Lake Oswego High School, BARBIYERU JR. also made two calls to McMinnville High School, researched school locations, and searched for gun stores near his location. It does not appear BARBIYERU JR. was able to get through on his voice call to McMinnville High School. This is being investigated currently.

13. I learned that BARBIYERU JR. was arrested over this past weekend, and is currently being held in Yamhill County jail for charges stemming from re-contacting Deep Springs College in violation of a court order.

Conclusion

14. Based on the foregoing, I have probable cause to believe, and I do believe, that VISILY BARBIYERU JR. committed Interstate Communications—Threats in violation of 18 U.S.C. § 875(c). I therefore request that the Court issue a criminal complaint and arrest warrant for BARBIYERU JR.

15. Prior to being submitted to the Court, this affidavit, the accompanying complaint and the arrest warrant were all reviewed by Assistant United States Attorney (AUSA) Hannah Horsley and AUSA Horsley advised me that in her opinion the affidavit and complaint are legally and factually sufficient to establish probable cause to support the issuance of the requested criminal complaint and arrest warrant.

*Sworn via phone on 4/1/2019
at 3:05 p.m. (FRP 4.1) JFL*

DANIEL L. MCLAUGHLIN
Special Agent, Federal Bureau of
Investigation

Sworn in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone at 3:05 p.m. a.m/p.m. April 1, 2019.

Stacie F. Beckerman

HONORABLE STACIE F. BECKERMAN
United States Magistrate Judge